

SENATE BILL No. 414

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-10.

Synopsis: Correctional facility nursery program. Requires a superintendent of a correctional facility to arrange for a pregnant woman who is incarcerated at the facility to be provided with childbirth accommodations and medical care outside the correctional facility. Requires the woman to return to the correctional facility after the birth of the child as soon as the woman's health permits. Establishes a correctional facility nursery program to enable physically and psychologically fit incarcerated mothers to keep their infants with them during incarceration, if: (1) the woman is approved for the program; and (2) vacancies in the program exist. Provides that the infant may be cared for through the correctional facility nursery program until
(Continued next page)

Effective: July 1, 1999.

Simpson

January 11, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.



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the infant becomes one year of age. Provides that the purpose of the nursery program includes providing counseling and parenting skills education to the program participants. Requires certain qualified persons to staff the nursery program. Requires medical staff assigned to the nursery program to provide certain medical care and education. Requires, as part of the nursery program, the department of correction to establish and operate an infant care center for care of the mothers' infants during their absence. Establishes a nursery interdisciplinary committee to address operational problems, make policy changes, and discuss any cases of participant maladjustment within the nursery program. Requires the superintendent of a correctional facility to contact the county office of family and children to provide services for the infant if: (1) an incarcerated mother is not eligible for the nursery program or a vacancy in the nursery program does not exist; and (2) the infant's father is not available to care for the child.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 414

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 11-10-3-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. Necessary prenatal
3 and postnatal care and treatment shall be provided consistent with
4 acceptable medical practice and standards. When possible,
5 arrangements shall be made for children to be born in a hospital outside
6 the correctional facility **in accordance with IC 11-10-3.5**. If a child is
7 born in a correctional facility, this fact may not be mentioned on the
8 birth certificate.

9 SECTION 2. IC 11-10-3.5 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 1999]:

12 **Chapter 3.5. Birth and Care of Children of Inmates of**
13 **Correctional Facilities**

14 **Sec. 1. If a criminal offender committed to a correctional facility**
15 **is pregnant and about to give birth to a child, the superintendent**



of the correctional facility, within a reasonable time before the anticipated birth of the child, shall cause the criminal offender to be:

- (1) removed from the correctional facility; and
- (2) provided with accommodations and medical care outside the correctional facility, under appropriate supervision and safeguards to prevent the criminal offender's escape from custody.

Sec. 2. (a) The superintendent of the correctional facility from which a woman was removed under section 1 of this chapter shall arrange for the woman's return to the correctional facility as soon as the woman's health permits.

(b) The expense of the accommodations and medical care must be paid by the criminal offender or from available funds of the correctional facility. However, if funds are not available from these sources, the accommodations and medical care must be paid from the state general fund.

Sec. 3. (a) A child born to an incarcerated woman under the circumstances described in section 1 of this chapter may be returned to the woman at a correctional facility that has a correctional facility nursery program established under IC 11-10-3.6 unless:

- (1) the incarcerated woman does not meet the eligibility requirements for the nursery program participants set forth under IC 11-10-3.6-5; or
- (2) a vacancy in the nursery program does not exist.

(b) A child may remain in the correctional facility with the child's mother for any period desirable for the welfare of the child but not after the child becomes one (1) year of age.

Sec. 4. (a) The superintendent of the correctional facility may cause a child cared for by the child's mother within the correctional facility to be removed from the correctional facility at any time before the child becomes one (1) year and one (1) day of age. The superintendent of the correctional facility shall make arrangements for a child:

- (1) removed from an institution without the child's mother; or
- (2) who is born outside the correctional facility to an incarcerated woman and who is not returned to the institution with the child's mother.

(b) The superintendent of the correctional facility may, upon proof being furnished, give custody of the child to the legal father. However, in all other circumstances, the superintendent of the



1 correctional facility shall contact the county office of family and
 2 children in the county from which the woman was committed to
 3 assume custody of the child.

4 (c) The superintendent in charge of the correctional facility
 5 shall send to the county office of family and children all relevant
 6 information available in regard to the mother and the child.

7 Sec. 5. If a woman who is committed to a correctional facility is
 8 the mother of a nursing child who is less than one (1) year of age at
 9 the time of the commitment, the child may accompany the mother
 10 to an institution that has a correctional facility nursery program
 11 if:

12 (1) the mother is physically and psychologically fit to have the
 13 care of the child subject to the eligibility requirements of the
 14 correctional facility nursery program under IC 11-10-3.6-5;
 15 and

16 (2) a vacancy in the nursery program exists.

17 Sec. 6. If a woman committed to a correctional facility is the
 18 mother of and has under her exclusive care a child at least one (1)
 19 year of age at the time of the woman's commitment, the court
 20 committing the woman shall refer the child to the county office of
 21 family and children of the county from which the woman is
 22 committed.

23 SECTION 3. IC 11-10-3.6 IS ADDED TO THE INDIANA CODE
 24 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 1999]:

26 **Chapter 3.6. Correctional Facility Nursery Program**

27 Sec. 1. The department shall establish and operate a
 28 correctional facility nursery program to enable incarcerated
 29 mothers to keep their infants with them until the infants become
 30 one (1) year of age.

31 Sec. 2. The department shall adopt policies to carry out the
 32 purpose of this chapter.

33 Sec. 3. The purpose of the nursery program is as follows:

34 (1) To establish a nursery at a medium security correctional
 35 facility and to establish additional nursery space to serve
 36 incarcerated women with drug dependency problems.

37 (2) To provide drug counseling services in conjunction with
 38 education in parenting skills for incarcerated mothers
 39 identified as substance abusers.

40 (3) To evaluate, monitor, and treat infants born to mothers
 41 with histories of substance abuse.

42 (4) To teach parenting skills to and improve family



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relationships of incarcerated mothers.

(5) To increase the likelihood that released participants will lead drug free lives, thereby reducing recidivism.

Sec. 4. The staff at the nursery must include the following:

- (1) A nursery manager.
- (2) Pediatric nurses.
- (3) An alcohol and substance abuse treatment counselor.
- (4) Additional correctional officers.
- (5) A psychologist.

Sec. 5. (a) All prospective nursery program participants must be screened for eligibility under the guidelines set forth in this section.

(b) The nursery psychologist shall summarize the prospective nursery program participant's case and make recommendations, which must be reviewed by three (3) deputy superintendents.

(c) An incarcerated mother who is determined to be physically and psychologically unfit to care for her child is ineligible for the nursery program. Acceptance into the program is based on the woman's ability to benefit from the nursery program experience.

(d) Denials may be appealed to the superintendent of the correctional facility.

Sec. 6. The parenting program must consist of the following:

- (1) Mothers' groups.
- (2) Child development classes.
- (3) Maternal and child health workshops.
- (4) Community meetings.
- (5) Special seminars with outside speakers.

Sec. 7. A public health nurse, who is not formally part of the nursery staff, shall conduct biweekly prenatal and postpartum health classes for nursery program participants.

Sec. 8. The psychologist assigned to the nursery shall meet with the mothers individually. The psychologist shall also conduct psychological assessments and individual and group psychotherapy.

Sec. 9. The medical staff assigned to the nursery shall provide the following services:

- (1) Primary care to all babies.
- (2) Monitor growth and development of the babies.
- (3) Make referrals to specialty clinics, whenever appropriate.
- (4) Select and procure educational materials.
- (5) Provide education and counseling for the mothers.
- (6) Develop clinical protocols.
- (7) Arrange for pediatrician visits.



(8) Provide American Heart Association pediatric cardiopulmonary resuscitation and pediatric airway obstruction training for inmates and staff.

Sec. 10. (a) As part of the nursery program, the department shall establish and operate an infant care center that must be established for care of the mothers' infants during their absence.

(b) The infant care center must be located in the correctional facility's school building and must be staffed by trained, carefully screened, inmate babysitters.

(c) The inmate babysitters are supervised by the nursery manager, who is also an early childhood education teacher.

Sec. 11. (a) The rules of the infant care center must require the mothers to schedule their babies' feeding and nap time around the mothers' program schedule. The mothers shall have the babies fed, dressed, and ready to go to the center when programs are scheduled, and the mothers are required to immediately return to the center to pick up their children at the end of the program day.

(b) An escort officer shall be provided to accompany the babies to the center, and the escort officer shall accompany infants whenever they leave the unit for activities such as attending church with their mothers or medical appointments. For security purposes, babies may not associate with the facility's general population without an escort officer.

Sec. 12. (a) As used in this section, "committee" means the nursery interdisciplinary committee.

(b) The nursery interdisciplinary committee is established.

(c) The committee is comprised of the following members:

(1) The deputy superintendents of security, program services, and administrative services.

(2) The nursery manager, counselor, psychologist, and nurse administrator.

(d) The committee shall:

(1) address operational problems;

(2) make policy changes; and

(3) discuss any cases of participant maladjustment.

(e) The committee shall meet at least one (1) time per month at the call of the nursery manager.

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